

RESOLUTION NO. 2001-50

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING AN  
IMPLEMENTATION AGREEMENT, WITH THE ACCEPTANCE OF  
REVISIONS OUTLINED ON THE LETTER OF CLARIFICATION DATED  
JANUARY 19, 2001 TO THE CALIFORNIA DEPARTMENT OF FISH AND  
GAME, REGARDING THE SAN JOAQUIN COUNTY MULTI-SPECIES  
HABITAT CONSERVATION AND OPEN SPACE PLAN

=====

WHEREAS, the City of Lodi had adopted the San Joaquin County Multi-Species  
Habitat Conservation and Open Space Plan; and

WHEREAS, an Implementation Agreement needs to be adopted by all Plan  
participants for the purpose of allowing separate implementation of mitigation measures  
specified in the Plan.

NOW THEREFORE, BE IT RESOLVED, that the City of Lodi does hereby  
approve the Implementation Agreement, attached hereto as Exhibit A.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-50 was passed and adopted by the Lodi  
City Council in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and  
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk

### Attachment 1

The following paragraphs describe the effects of changes to the Implementation Agreement proposed in the Department's comment letter dated December 29, 2000.

(1) Page 3, Section 1.13: Moves a sentence to a new section. Non-substantive editing change.

(2) Page 13, Section 3.2.2(b): Fixes a typographical error so that the text shows the proper defined term.

(3) Page 36, Section 6.1.2(b): Fixes a typographical error.

(4) Page 52, Section 9.4: Removes the defined term "Wildlife Agencies" so that the section refers only the Service rather than both the Service and the Department. Since the sentence refers to the "No Surprises Rule" a defined term that applies only to the Service, it would not apply to the Department even with the existing text. This change fixes an editing error, but is not substantive.

(5) Page 52, Section 9.5: Revises the sentence so that it refers only the Service rather than both the Service and the Department. Since the sentence involves the effect of a "critical habitat" designation – an action which relates only to the Service - it would not apply to the Department even with the existing text. This change fixes an editing error, but is not substantive.

(6) Page 64, Section 12.1(a): Adds a cross reference to another IA section . Clarifies the section, but does not add any substantive change.

(7) Page 66, Section 12.3: Removes an example, but does not change the meaning of the section.

(8) Page 66, Section 12.4(a): Adds a cross reference to another IA section . Clarifies the section, but does not add any substantive change.

(9) Page 68, Section 12.5.1: The Department has recently revised the language it uses to describe the relationship between incidental take permits and certain provisions of the Fish and Game Code governing "fully protected species." This change substitutes the new language into the IA. The existing text simply concludes that the HCP will not result in violation of the fully protected species provisions. The new language also concludes that violation is not likely, but it is more detailed, lists the species involved, and describes a process to be followed in the event there is some take of a fully protected species. Although the new text takes a different approach, it is not a substantive change, since the underlying law (the fully protected species provisions of the Fish and Game Code) has not changed and continues to prohibit any take of fully protected species.

(10) Page 68, Section 12.5.2: This section proposes a process for permit amendment in the event the fully protected species code sections are revised to allow permits for such species. The new text indicates that the permittees must apply for such new permits, while the existing text leaves new permits entirely to the Department. This is not a substantive change, since in neither case is the Department required to issue a permit.

(11) Page 69, Section 13.2: Adds a cross reference to another IA section . Clarifies the section, but does not add any substantive change.